

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

558778 BC, LTD, et al.,

Defendants.

NO: CV-11-364-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80295-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT MYLES CLARKE

JUDGMENT SUMMARY

Judgment Creditor: Plaintiff Bruce P. Kriegman

Attorneys for
Judgment Creditor: Witherspoon Kelley

Judgment Debtors: Myles Clarke

Attorney for Judgment
Creditor: None

Amount of Judgment: \$18,333.32 CAD
\$ 250.00 US

Amount of Interest: \$0.00

Interest Rate: 0.11% annum

JUDGMENT

The Court, having previously entered an Order Adopting the Bankruptcy Court's Report and Recommendation and Order of Default against Defendant Myles Clarke, ECF No. 196, and being fully apprised in the premises, **HEREBY ORDERS, ADJUDGES, AND DECREES** that Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against Defendant Myles Clarke, as follows:

1. Monetary Judgment in the amount of \$18,333.32 CAD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$18,333.32 made to Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3. All said transfers to Defendant Myles Clarke are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant

1 Myles Clarke for the benefit of the estate of LLS America, pursuant to 11 U.S.C.
2 §§ 544, 550, and 551;

3 4. Defendant Myles Clarke did not file a proof of claim in Debtor's
4 bankruptcy proceedings.

5 5. A constructive trust is hereby established over the proceeds of all
6 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

7 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
8 USD, for a total judgment of \$18,333,32 CAD, plus \$250.00 USD, which shall
9 bear interest equal to the weekly average of one-year constant maturity (nominal)
10 treasury yield as published by the Federal Reserve System.

11 **IT IS SO ORDERED.**

12 The District Court Clerk is directed to enter this Judgment, **terminate Myles**
13 **Clarke** as a defendant in this cause, and provide copies of this Judgment to
14 counsel, Defendant, and to Judge Frederick P. Corbit.

15 **DATED** this 3rd day of December 2013.

16
17 *s/ Rosanna Malouf Peterson*
18 ROSANNA MALOUF PETERSON
19 Chief United States District Court Judge
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